

JULY 23, 2007

GATEWOOD WEST

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Page 1

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 -----X
4 SHAWN DRUMGOLD,
5 Plaintiff

6 v. Case No. 04-11193NG

7 TIMOTHY CALLAHAN, FRANCIS
8 N. ROACHE, PAUL MURPHY,
9 RICHARD WALSH, and THE
10 CITY OF BOSTON,
11 Defendants
12 -----X

13 DEPOSITION OF GATEWOOD WEST, a
14 witness called to testify by and on behalf of
15 the Defendants, pursuant to the applicable
16 rules of the Federal Rules of Civil
17 Procedure, before M. ELAINE GANSKA, a
18 Stenographic Reporter and Notary Public in
19 and for the Commonwealth of Massachusetts, at
20 the offices of Bonner Kiernan Trebach &
21 Crociata, Attorneys at Law, One Liberty
22 Square, Boston, Massachusetts, on Monday,
23 July 23, 2007, commencing at 2:06 p.m.

24 FEDERAL COURT REPORTERS
781-585-6741 978-535-8333

1 STIPULATIONS
2 It is hereby stipulated and agreed
3 by and between Counsel for the respective
4 parties that the Deponent shall read and sign
5 the deposition transcript within 30 days of
6 receipt under the pains and penalties of
7 perjury.
8 It is further stipulated that all
9 objections, except as to form, and motions to
10 strike are reserved to the time of trial.

11 PROCEEDINGS
12 GATEWOOD WEST, a witness called
13 for examination by Counsel for the
14 Defendants, having been satisfactorily
15 identified and duly sworn, was examined and
16 testified as follows:
17 EXAMINATION BY MR. ROACHE
18 Q. Good afternoon, Ms. West. My name is John
19 Roache. I'm an attorney involved in this
20 litigation, and I represent the City of
21 Boston and Former Police Commissioner Francis
22 M. Roache.
23 Would you please state your full
24 name for the record?

Page 2

1 APPEARANCES
2 ROSEMARY SCAPICCHIO, Attorney at Law
3 4 Longfellow Place
4 Boston, Massachusetts 02114
5 ON BEHALF OF: The Plaintiff

6 BONNER KIERNAN TREBACH & CROCIATA
7 BY: PAULA J. CLIFFORD, Attorney at Law
8 One Liberty Square
9 Boston, Massachusetts 02109
10 ON BEHALF OF: Defendant Walsh

11 WILLIAM M. WHITE, JR. and ASSOCIATES
12 BY: WILLIAM M. WHITE, JR., Attorney at Law
13 One Faneuil Hall Marketplace
14 Boston, Massachusetts 02109
15 ON BEHALF OF: Defendant Roache and City
16 of Boston

17 MORGAN, BROWN & JOY
18 BY: MARY JO HARRIS, Attorney at Law
19 200 State Street
20 Boston, Massachusetts 02109
21 ON BEHALF OF: Defendant Callahan

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1 A. First name Gatewood, last name West.
2 Q. And, Ms. West, are you here pursuant to a
3 subpoena?
4 A. Yes.
5 Q. Have you ever had your deposition taken
6 before?
7 A. No.
8 Q. Okay. I am going to ask you a series of
9 questions concerning the underlying cause of
10 action that brought you here today. There
11 will be no trick questions, be no questions
12 that you shouldn't or should not be able to
13 understand. If you don't understand a
14 question, I would ask that you have me
15 rephrase the question.
16 A. Mm-hmm.
17 Q. If you answer the question, I will assume
18 that you understood the question --
19 A. Mm-hmm.
20 Q. -- that I asked, okay?
21 A. Mm-hmm. Yes, yes.
22 Q. Now I just noticed you're saying mm-hmm,
23 mm-hmm.
24 A. (Nods head)

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2	GATEWOOD WEST	
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14	No Exhibits	

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1 Q. You cannot say mm-hmm or huh-uh in answer to
2 questions. You must verbalize by yes, no, or
3 whatever --
4 A. Mm-hmm.
5 Q. -- your answer is to questions so that they
6 can be taken down by the stenographer.
7 A. (Nods head)
8 Q. Do you understand that?
9 A. Yes.
10 Q. If at any time you need to use the
11 facilities, just let me know, and I'll be
12 more than happy to accommodate you.
13 A. Mm-hmm.
14 Q. You may hear at certain times the word
15 "objection" used by any of the attorneys in
16 this room. You are still to answer the
17 question despite an objection that's being
18 raised.
19 MR. ROACHE: We're having the
20 usual stipulations?
21 MS. SCAPICCHIO: Usual
22 stipulations.
23 MR. ROACHE: Okay.
24 BY MR. ROACHE:

Page 19

1 her. Shawn had asked me to call her and
 2 offer her a ride.
 3 Q. Had you known Shawn --
 4 A. Yes.
 5 Q. -- before you met Juanda?
 6 A. Yes.
 7 Q. Okay. When did you first come in contact
 8 with Shawn Drumgold?
 9 A. I think I met him in the visiting room at Bay
 10 State when I was visiting another prisoner,
 11 Arlis Evans. He and Arlis were friends, and
 12 when Shawn was taken off to Norfolk Prison
 13 and put in protective --
 14 THE WITNESS: Was it protective
 15 custody or --
 16 Q. You really can't ask --
 17 MS. SCAPICCHIO: I can't answer
 18 the question.
 19 Q. -- any questions.
 20 A. It was called the RB. It was the equivalent
 21 of solitary, although he was there for his
 22 own protection.
 23 Q. And do you know why he was sent to Norfolk?
 24 A. No, I don't know why.

Page 20

1 Arlis was concerned about him
 2 being lonely and just emotionally stirred up
 3 by being suddenly taken out of Bay State
 4 where he'd been for a number of years.
 5 Q. Did you visit Shawn at Norfolk?
 6 A. In the RB, yes, two or three times.
 7 Q. How many times had you met with Shawn at Bay
 8 State?
 9 A. Maybe once for five minutes.
 10 Q. And that was in the visiting room?
 11 A. Yes.
 12 It may have been even less than
 13 that. I don't know that I would have even
 14 remembered what he looked like. I went to
 15 see him because Arlis wanted me to go and see
 16 him.
 17 Q. How did you meet Arlis Evans?
 18 A. I am part of a Quaker Meeting in Cambridge
 19 that has a mission to put our faith into
 20 action and to do what we can to people who
 21 are -- to do what we can to support people
 22 who are in need, and we knew there were some
 23 prisoners at Bay State who were going through
 24 the BU program, getting a bachelors at BU,

Page 21

1 and they were asking for people to come and
 2 mentor them on their studies.
 3 Q. So you were a mentor for Arlis Evans?
 4 A. Right.
 5 Q. When did you first meet Arlis Evans?
 6 A. I think it was 2000, June of 2000. Could
 7 have been 2001. I'm not sure.
 8 Q. At any point in time, did Arlis Evans live at
 9 your home?
 10 A. No.
 11 Q. So you visited with Shawn Drumgold two times
 12 while at Norfolk?
 13 A. Mm-hmm.
 14 Q. When was the next time --
 15 A. Yes.
 16 Q. When was the next time that you visited with
 17 Shawn Drumgold?
 18 A. When he was moved to OCCC.
 19 Q. And how many times did you visit with him
 20 there?
 21 A. I'd say a year and a half.
 22 Q. Over the course of a year and a half?
 23 A. Yes.
 24 Q. And how many times during that course of a

Page 22

1 year and a half did you visit with him?
 2 A. Every two weeks.
 3 Q. And what was the purpose of the visits?
 4 A. Support.
 5 Q. Were you there in a professional capacity or
 6 just as a person being supportive of him?
 7 A. Well, I was not his social worker. He
 8 referred to me as his godmother. I was also
 9 there to support his mother who was in her
 10 late 60s, early 70s, who had some health
 11 problems and who had six children and worried
 12 a lot about all of them. It was a spiritual
 13 accompaniment.
 14 Q. Okay. When you visited with Shawn Drumgold
 15 at Norfolk, how long would these visits last?
 16 A. Forty-five minutes.
 17 Q. And this was while he was in solitary
 18 confinement?
 19 A. Yes. He would be brought in in handcuffs and
 20 chains on his feet, chains around his waist,
 21 in an orange jumpsuit, and he would come into
 22 a room, and I would be on the other side of a
 23 glass partition. He would talk on a phone,
 24 and I would talk on a phone (gesturing).

Page 23

1 Q. And did you have to formally request
 2 permission from the institution in order to
 3 visit with Shawn Drumgold?
 4 A. No, I just called and made an appointment.
 5 Q. Okay.
 6 A. You had to call 24 hours in advance to find
 7 out if there were open slots and schedule an
 8 appointment.
 9 Q. Okay. And you met with him approximately
 10 twice while at Norfolk?
 11 A. (Nods head)
 12 Q. What did you talk about?
 13 A. Well I remember at one point we were talking
 14 about dancing, and he was laughing and I was
 15 laughing. He was a very cheerful person in
 16 those days.
 17 Q. What else did you discuss?
 18 A. I'd send him a newspaper. We would talk
 19 about what was in the newspaper.
 20 Q. Which newspaper?
 21 A. Boston Globe.
 22 Q. Did you send it to him daily?
 23 A. Mm-hmm, Monday --
 24 Q. Is that a yes?

Page 24

1 A. Monday through Saturday, yes.
 2 Q. Besides dancing, what else did you discuss?
 3 A. You know, I knew you were going to ask me
 4 this. I can't remember what we talked
 5 about. We talked about food. We talked
 6 about details of day-to-day life.
 7 Q. Did you talk to him about his family?
 8 A. At that point the only family member I knew
 9 was his mother. No, I hadn't even met his
 10 mother at that point. We probably talked
 11 about Arlis.
 12 Q. Okay.
 13 A. That's what we had in common.
 14 Q. Did you talk about his wife and child?
 15 A. Yeah, probably.
 16 Q. When you say "probably," do you have a
 17 memory?
 18 A. I don't -- no, I don't have a specific
 19 memory.
 20 Q. Okay. Do you know who his wife was or is?
 21 A. Well I met her later. I had not met her at
 22 that point.
 23 Q. Okay.
 24 A. He talked a lot about his daughter, Kiara.

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1 Q. Okay.

2 A. Because I was not interested in the legal

3 facts. I was interested in trying to help

4 Rosemary get whatever information she needed

5 and trying to be calm and reassuring --

6 Q. Okay.

7 A. -- to these young people and to their

8 mothers.

9 Q. Do you recall if you were speaking to them in

10 order to elicit information from them about

11 the facts of what they observed --

12 A. Right.

13 Q. -- or whether you were trying to reassure

14 them or calm them prior to testifying?

15 A. No. I was -- Rosemary said, "Would you go

16 and take an affidavit?"

17 I said, "Well what does that

18 mean?"

19 She said, "Just get them to tell

20 their story and write it down."

21 Q. Okay.

22 A. "Just let them dictate to you what they

23 remember."

24 Q. Okay. And do you remember how many of these

Page 80

1 individuals you spoke to?

2 A. Just two.

3 Q. Just two.

4 And you're clear that there were

5 two?

6 A. I think it's just two.

7 It was in the cafeteria at the

8 courtroom.

9 Q. Okay.

10 A. And she was going to use those notes before

11 she interviewed them on the witness stand if

12 she decided to interview them.

13 Q. Okay. Do you recall -- and forgive me if I'm

14 repeating myself, but do you recall that

15 these were two women?

16 A. Yes.

17 Q. Okay. And is it your recollection that they

18 were two of the witnesses who had been young

19 women at the time of the original trial?

20 A. I believe so, yes.

21 Q. Were they both accompanied by their moms when

22 you spoke with them?

23 A. I believe so.

24 Q. Do you recall the name Vantrell McPherson?

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1 A. I think he asked me that. I don't remember

2 that name.

3 Q. Okay. So you don't recall that being one of

4 the witnesses --

5 A. It could have been.

6 Q. -- one way or the other?

7 A. I don't remember the name.

8 Q. Okay. Do you remember whether you saw them

9 on the same day?

10 A. Yes.

11 Q. Were they seated together when you spoke with

12 them?

13 A. No.

14 Q. So you saw them --

15 A. There was one daughter and mother and then

16 another daughter and mother.

17 Q. Okay, fair enough.

18 Do you recall the substance of

19 what the first young woman said to you when

20 you began speaking with them?

21 A. I don't remember the substance at all.

22 Q. Okay. Do you recall whether you were given

23 any kind of a script or a list of questions

24 to ask the witnesses?

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1 A. I must have been, but I don't remember what

2 it was.

3 Q. Do you recall whether it was typewritten or

4 handwritten?

5 A. Handwritten.

6 Q. Do you recall how many pages it was?

7 A. I think probably it was three or four

8 questions.

9 Q. In total?

10 A. Yes.

11 Q. Okay. Forgive me, I know -- do you remember

12 anything about these questions?

13 A. No.

14 Q. Do you remember if it was --

15 A. Just basic background information, name and

16 address, and then what did they remember

17 about --

18 Q. Okay.

19 A. -- what happened to them.

20 Q. Do you recall whether the questions that you

21 were given were tailored to the witnesses

22 that you were speaking to?

23 A. Well it was the same for both of them.

24 Q. The questions were the same for both of them?

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1 A. Mm-hmm.

2 Q. And you have to give her a verbal answer.

3 A. The same for both of them.

4 Q. Do you recall how you recorded the

5 information that the witnesses gave to you?

6 A. Longhand on paper.

7 Q. Okay. And did you tape-record these

8 conversations?

9 A. No.

10 Q. What did you do with the notes after you

11 wrote them, after interviewing these women?

12 A. Gave them to Rosemary.

13 Q. Did you keep a copy for yourself?

14 A. No.

15 Q. Do you know whether those notes were reduced

16 to a typewritten affidavit?

17 A. No, I don't know.

18 Q. Okay. So you were never shown a typewritten

19 document and asked to review it for its

20 accuracy?

21 A. No.

22 Q. Did you ever have any information about what

23 happened to those notes after you turned them

24 over to Attorney Scapicchio?

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1 A. No.

2 Q. Do you recall at what stage in the

3 proceedings in the motion for new trial it

4 was that you spoke to these witnesses?

5 A. Well it wasn't the first day, and it wasn't

6 the sixth day, so it was somewhere between

7 the second and the fifth day.

8 Q. Okay. How do you remember it wasn't the

9 first day?

10 A. Because I would have remembered that.

11 Q. You would have remembered it being the --

12 A. The first day.

13 Q. -- first day of the hearing?

14 A. Yes.

15 Q. Did you know prior to going to court that you

16 were going to be playing this role,

17 interviewing witnesses?

18 A. It didn't seem like much of a role to me. It

19 was just doing a couple of short interviews.

20 Q. Okay. Did you know that this was a task that

21 you would be asked to perform?

22 A. No.

23 Q. Had Ms. Scapicchio or anybody else spoken to

24 you about the need to gather information from

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1 to see Mr. Connolly, did the receptionist
2 make a telephone call or call anyone to let
3 Mr. Connolly know that you were there?
4 A. I think she went -- he or she went and spoke
5 to him.
6 Q. And after some period of time, did the
7 receptionist communicate a response to you?
8 A. Yes, right away.
9 Q. What did the receptionist tell you?
10 A. He's not interested in meeting with you.
11 Q. Was that what the receptionist told you?
12 A. Mm-hmm. Well she may -- he or she may have
13 said it a little more politely. He's not
14 available right now was probably the reply.
15 Q. Did you at that point attempt to make an
16 appointment with Mr. Connolly?
17 A. I think we had originally tried to make an
18 appointment and were not able to do so, so we
19 just dropped the petitions off and left them
20 with him.
21 Q. So you left the petitions there?
22 A. Mm-hmm.
23 Q. Yes?
24 A. Yes.

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1 Q. Thank you.
2 At any point did you ever have any
3 communication with the family of the little
4 girl who was murdered in this case --
5 A. No.
6 Q. -- Tiffany Moore? .
7 A. No.
8 Q. Did you ever have any communication or anyone
9 you know of have any communication with
10 anyone in the Moore family?
11 A. I think the Drumgold family knew the Moore
12 family. Shawn knew Tiffany Moore, and he
13 knew Tiffany Moore's grandmother.
14 Q. How about you yourself, though, did you
15 ever --
16 A. No.
17 Q. -- request information so that you could --
18 A. No.
19 Q. -- verify it?
20 A. Verify what?
21 Q. Verify any of the details of the
22 investigation --
23 A. No.
24 Q. -- from their perspective.

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1 A. (Shakes head)
2 Q. I'm sorry if I asked this question earlier.
3 You were mentioning that at some point you
4 were in a -- quote, in a cafeteria, I
5 believe, preparing some affidavits for
6 Ms. Scapicchio?
7 A. Mm-hmm.
8 Q. Is that yes?
9 A. (No response)
10 Q. Is that yes?
11 A. Yes.
12 Q. And with respect to those affidavits, you
13 said that you took some notes down about what
14 the individuals had to say?
15 A. Mm-hmm, correct.
16 Q. And when you completed your first affidavit,
17 did you show that to the person you were
18 interviewing and ask them if you had written
19 down what they said correctly?
20 MS. SCAPICCHIO: She hasn't said
21 it was an affidavit, has she?
22 MR. WHITE: That's my
23 recollection.
24 A. I don't remember.

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1 Q. Okay. With respect to the second individual,
2 after you had written down what they had to
3 say, do you remember if you ever showed it to
4 them and said, you know, would you look this
5 over and tell me if I got it right?
6 A. If Rosemary had asked me to do that, I would
7 have done that. I don't remember now.
8 Q. And --
9 A. Affidavit may have been the wrong word. It
10 may have just been she wanted me to go and
11 sit down with them and take it down.
12 Q. So a statement, take a statement down?
13 A. Take a statement so that she would then have
14 it, and she could use that for her notes.
15 Q. Okay. Well as you were asking the questions
16 from the -- from the script and the
17 individual was giving you the answers, you
18 were writing --
19 A. Correct.
20 Q. -- it down?
21 A. Correct.
22 Q. And you were trying to take it down to the
23 best of your ability?
24 A. Right.

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1 Q. And at any point while you were taking
2 information down, did you ever show it to
3 either of the witnesses to see if you had --
4 see if they agreed with what you had written?
5 A. Normally when I write a letter for a client,
6 I read it back to the client before I type it
7 up, so I may have done that --
8 Q. You may have --
9 A. -- with these women.
10 Q. You may have read it back?
11 A. Yes.
12 Q. And then they --
13 A. And given them a chance to edit it if they
14 wanted.
15 Q. Did you --
16 A. But I don't remember, to be honest, whether I
17 did that or not.
18 Q. Okay. You don't recall any particular edits
19 at this point in time?
20 A. I don't remember any.
21 Q. Thank you. I don't have any further
22 questions.
23 EXAMINATION BY MS. CLIFFORD
24 Q. Ms. West, I just have a few questions. My

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1 name is Paula Clifford, and my office
2 represents Retired Lieutenant Richard Walsh.
3 Have you ever heard that name?
4 A. No.
5 Q. Okay. Have you ever -- has Mr. Drumgold ever
6 mentioned that name to you in the years that
7 you've known Mr. Drumgold?
8 A. No.
9 Q. You had mentioned earlier that it was your
10 belief that Shawn was with Rachelle when the
11 murder of Tiffany Moore occurred, is that
12 correct?
13 A. Yes.
14 Q. And you base that belief on what Shawn had
15 told you, is that correct?
16 A. Yes.
17 Q. Approximately how many different times did
18 Shawn tell you that, that he was with
19 Rachelle when Tiffany Moore was murdered?
20 A. Probably once or twice. It's such an
21 important fact, I remember it.
22 Q. And how many times, if ever, did Rachelle
23 tell you that she was with Shawn when Tiffany
24 Moore was murdered?

GATEWOOD WEST

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1 Q. Were you aware at that time that they had
2 prepared written affidavits?
3 A. No.
4 Q. That's all I have. Thank you.
5 A. Okay.
6 [Whereupon, at 4:15 p.m., the
7 deposition was concluded.]
8
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1 CERTIFICATE
2
3 I, GATEWOOD WEST, hereby certify
4 that I have read the foregoing deposition
5 transcript of my testimony, and further I
6 certify under the pains and penalties of
7 perjury that said transcript is a true and
8 accurate record of said testimony.
9
10
11
12 Dated this _____ Day of _____,
13 20_____.
14
15
16
17
18 Gatewood West
19
20
21
22
23
24

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1 CERTIFICATE
2 COMMONWEALTH OF MASSACHUSETTS
3 PLYMOUTH, SS.
4 I, M. ELAINE GANSKA, a Notary
5 Public in and for the Commonwealth of
6 Massachusetts, do hereby certify that:
7 GATEWOOD WEST, having been duly
8 sworn to testify upon her oath, did so
9 testify, and that this transcript is a full,
10 true, and accurate record to the best of my
11 knowledge, skill, and ability of the
12 testimony taken at Boston, Massachusetts, on
13 Monday, July 23, 2007.
14 I further certify that I am a
15 disinterested person to the action in which
16 this deposition is taken.
17 IN WITNESS WHEREOF, I have
18 hereunto set my hand and seal this 9th Day of
19 August, 2007.
20 _____ Notary Public
21 My commission expires:
22 June 19, 2009
23 THE FOREGOING CERTIFICATION OF THIS
24 TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION
OF THE SAME BY ANY MEANS UNLESS UNDER THE
DIRECT CONTROL AND/OR DIRECTION OF THE